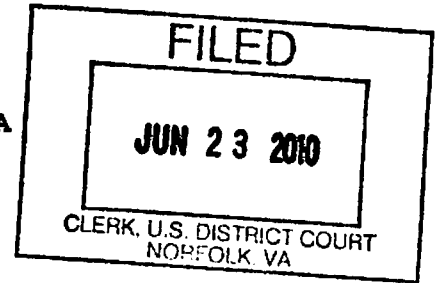


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



ROOSEVELT WALKER, III,  
Petitioner,

v.

CASE NO. 2:09cv607

GENE M. JOHNSON, Director of the  
Virginia Department of Corrections,  
Respondent.

**FINAL ORDER**

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violations of federal rights pertaining to Petitioner's conviction on February 18, 2005, in the Norfolk Circuit Court, Virginia, for one (1) count of conspiracy to distribute cocaine, as a result of which he was sentenced to serve a total of forty (40) years in the Virginia penal system.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report of the magistrate judge was filed on June 3, 2010, recommending dismissal of the petition. By copy of the report, each party was advised of his right to file written objections to the findings and

recommendations made by the magistrate judge. The Court received no response from either party.

The Court, having reviewed the record, does hereby ADOPT AND APPROVE the findings and recommendations set forth in the report of the United States Magistrate Judge filed on June 3, 2010, and it is, therefore, ORDERED that the petition be DENIED AND DISMISSED as Petitioner's claims are barred by the statute of limitations. Adopting the recommendations in the magistrate judge's report, it is ORDERED that Respondent's Motion to Dismiss (Doc. No. 7) be GRANTED. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner may appeal from the judgment entered pursuant to this final order by filing a written notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment. Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Therefore, the Court, pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure, declines to issue a certificate of appealability. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and to counsel of record for Respondent.

/s/  
Rebecca Beach Smith  
United States District Judge *RBS*

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

June 23, 2010